

House Study Bill 53 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the Iowa communications network by removing
2 waiver provisions applicable to utilization of the network.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8D.9, subsection 2, Code 2011, is amended
2 to read as follows:

3 2. ~~a.~~ A private or public agency which certifies to the
4 commission pursuant to subsection 1 that the agency is a part
5 of or intends to become a part of the network shall may use the
6 network for all any video, data, and or voice requirements of
7 the agency unless ~~the private or public agency petitions the~~
8 ~~commission for a waiver and one of the following applies:.~~

9 ~~(1) The costs to the authorized user for services provided~~
10 ~~on the network are not competitive with the same services~~
11 ~~provided by another provider.~~

12 ~~(2) The authorized user is under contract with another~~
13 ~~provider for such services, provided the contract was entered~~
14 ~~into prior to April 1, 1994. The agency shall use the network~~
15 ~~for video, data, and voice requirements which are not provided~~
16 ~~pursuant to such contract.~~

17 ~~(3) The authorized user has entered into an agreement~~
18 ~~with the commission to become part of the network prior to~~
19 ~~June 1, 1994, which does not provide for use of the network~~
20 ~~for all video, data, and voice requirements of the agency.~~
21 ~~The commission may enter into an agreement described in this~~
22 ~~subparagraph upon a determination that the use of the network~~
23 ~~for all video, data, and voice requirements of the agency would~~
24 ~~not be in the best interests of the agency.~~

25 ~~b.~~ A private or public agency shall petition the commission
26 for a waiver of the requirement to use the network as provided
27 in paragraph "a", if the agency determines that paragraph
28 "a", subparagraph (1) or (2) applies. The commission shall
29 establish by rule a review process for determining, upon
30 application of an authorized user, whether paragraph "a",
31 subparagraph (1) or (2) applies. An authorized user found
32 by the commission to be under contract for such services as
33 provided in paragraph "a", subparagraph (2), shall not enter
34 into another contract upon the expiration of such contract, but
35 shall utilize the network for such services as provided in this

1 ~~section unless paragraph "a", subparagraph (1), applies.~~

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EXPLANATION

3 This bill relates to a provision in Code section 8D.9,
4 subsection 2, which specifies that a private or public agency
5 which certifies to the Iowa telecommunications and technology
6 commission that the agency is a part of or intends to become
7 a part of the network shall use the network for all video,
8 data, and voice requirements of the agency unless the agency
9 petitions the commission for a waiver and one of several
10 specified conditions or stipulations apply. The conditions
11 include that the costs to an authorized user for services
12 provided on the network are not competitive with the same
13 services provided by another provider, that the authorized
14 user is under contract with another provider for such services
15 entered into prior to April 1, 1994, or that the authorized
16 user has entered into an agreement with the commission to
17 become part of the network prior to June 1, 1994, which
18 agreement does not require use of the network for all video,
19 data, and voice requirements of the agency. The bill deletes
20 these conditions or stipulations, with the result that all
21 private or public agencies which are part of the network
22 may use the network for any of their video, data, or voice
23 requirements.

24 The bill deletes associated provisions regarding procedures
25 for petitioning for a waiver and commission determination of
26 whether a condition or stipulation applies.